UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,137	12/05/2001	Lynn Hambright	2001P11666 US01	8060

7590   03/08/2007

Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER
COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/005,137	HAMBRIGHT ET AL.
		Examiner	Art Unit
		Dilek B. Cobanoglu	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 January 2007_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _12/05/2001_.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is a result of the Pre-Appeal Brief held on December 21,

2006. The review of this Panel was mailed on January 3, 2007. Prosecution is

reopened. Claims 1-27 are still pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or
described in a printed publication in this or a foreign country, before the invention
thereof by the applicant for a patent.

3. Claims 1-5, 7-27 are rejected under 35 U.S.C. 102(a) as being unpatentable by

Boyer et al. (hereinafter Boyer) (U.S. Patent No. 6,208,973 B1).

A. Claim 1 has been amended to now recite a method for determining payment

for provision of multiple different services based on predetermined

reimbursement rules, comprising the steps of:

i.   receiving a record identifying a service provided to a specific entity

(Boyer; col. 8, lines 9-12);

ii.   automatically grouping an item identifying said provided service

together with an item identifying another service provided to said specific

entity based on predetermined service record allocation rules (Boyer; col.

8, lines 9-15, col. 9, lines 25-33, lines 45-48);

      i.   <u>automatically creating a reimbursement record identifying grouped

items</u> (Boyer; col. 5, lines 52-56, col. 8, lines 7-24); and

      iii.   calculating a reimbursement amount for said identified provided

service and said other service provided to said specific entity based on a

reimbursement contract (Boyer; col. 8, lines 7-24).

B. As per claim 2, Boyer discloses a method according to claim 1, wherein said

step of automatically creating a reimbursement record comprises creating a

reimbursement record without manual intervention from received records

identifying different types of services provided to said specific entity on separate

occasions (Boyer; col. 8, lines 7-24).

C. As per claim 3, Boyer discloses a method according to claim 2, wherein said

different types of services comprise an outpatient service and an inpatient

service (Boyer; col. 6, lines 23-28, col. 12, lines 6-11).

    Examiner considers set of services provided in different locations such as

    a hospital, emergency room, doctor's office etc. include inpatient and

    outpatient services.

D. As per claim 4, Boyer discloses a method according to claim 1, wherein said

predetermined service record allocation rules comprise rules in a reimbursement

contract (Boyer; col. 8, lines 7-24).

E. As per claim 5, Boyer discloses a method according to claim 1, wherein said

reimbursement contract comprises a healthcare policy covering said specific

entity and said specific entity comprises a patient (Boyer; col. 8, lines 7-24).

F. As per claim 6, Boyer discloses a method according to claim 1.implemented as a program of instructions contained on a storage medium and executable by a machine (Boyer; col. 9, lines 53-67).

G. Claim 7 has been amended to now recite a user interface supporting a method for determining payment for provision of multiple different services based on predetermined reimbursement rules, comprising the steps of:

i.   generating a first user selectable menu icon for initiating display of a reimbursement record, said reimbursement record showing (Boyer; col. 8, lines 7-24, col. 12, lines 37-46)

ii.   data indicating automatically grouped items including an item identifying a service provided to a specific entity together with an item identifying another service provided to said specific entity based on predetermined service record allocation rules (Boyer; col. 9, lines 25-33, lines 53-57); and

iii.   automatically calculating reimbursement amounts for said identified provided service and said other service provided to said specific entity based on a reimbursement contract (Boyer; col. 8, lines 7-24).

H. As per claim 8, Boyer discloses a method according to claim 7, including the step of generating a second user selectable menu icon for initiating display of a bill including said reimbursement amount for said provided service and said other service (Boyer; col. 8, lines 7-24).

I. Claim 9 has been amended to now recite a method for use in billing for provision of multiple different services based on predetermined reimbursement rules, comprising the steps of:

i.   receiving a record identifying a service provided to an entity (Boyer; col. 8, lines 9-12);

ii.   automatically applying predetermined allocation rules for identifying a reimbursement record indicating a group of services to be billed together on a single bill, said group of services having been provided to said entity (Boyer; col. 8, lines 9-15, col. 9, lines 25-33, lines 45-48);

iii.   automatically creating a reimbursement record identifying grouped items (Boyer; col. 5, lines 52-56, col. 8, lines 7-24)

iv.   updating said identified reimbursement record to incorporate a record item representing said identified provided service (Boyer; col. 10, lines 53-57);

v.   calculating a reimbursement amount for said identified provided service based on predetermined reimbursement rules (Boyer; col. 8, lines 7-24); and

vi.   preparing a bill including said group of services and said identified provided service for communication to a payer (Boyer; col. 11, lines 19-34, Figure 6).

J. As per claim 10, Boyer discloses a method according to claim 9, wherein said

predetermined allocation rules comprise rules for determining said identified

provided service as well as said group of services qualify for reimbursement

under a single reimbursement contract (Boyer; col. 6, lines 48-55).

K. As per claim 11, Boyer discloses a method according to claim 9, wherein said

predetermined allocation rules comprise rules in a reimbursement contract

(Boyer; col. 8, lines 7-24).

L. As per claim 12, Boyer discloses a method according to claim 9, wherein said

predetermined allocation rules identify a reimbursement record to incorporate a

record item representing said identified provided service based on the type of

said identified provided service (Boyer; col. 8, lines 7-24).

M. As per claim 13, Boyer discloses a method according to claim 12, wherein

said type of said identified provided service comprises an inpatient service

(Boyer; col. 6, lines 23-28, col. 12, lines 6-11).

N. As per claim 14, Boyer discloses a method according to claim 9, including the

step of identifying and prioritizing at least one of (a) reimbursement contracts and

(b) policies, comprising predetermined reimbursement rules and selecting said

predetermined reimbursement rules from said prioritized and identified

predetermined reimbursement rules for calculating reimbursement for said

identified provided service (Boyer; col. 8, lines 7-24).

O. Claim 15 has been amended to now recite a method according to claim 9,

wherein said reimbursement record indicates said group of services are

reimbursable according to rules in a single reimbursement contract and including

the step of _automatically_ determining whether said identified service is also

reimbursable according to rules in said single reimbursement contract.(Boyer;

col. 8, lines 7-24).

P. As per claim 16, Boyer discloses a method according to claim 9, wherein said

specific entity comprises a patient and including the step of searching for other

services also provided to said specific entity (Boyer; col. 8, lines 56-67).

Q. Claim 17 has been amended to now recite a method for determining payment

for provision of multiple different services based on predetermined

reimbursement rules, comprising the steps of:

    i.   receiving a record identifying a service provided to a specific entity

(Boyer; col. 8, lines 9-12);

    ii.   searching for a record of an additional service provided to said

specific entity (Boyer; col. 8, lines 56-67);

    iii.   _automatically_ determining whether said identified service as well as

said additional service provided to said specific entity qualify for

reimbursement under a single reimbursement contract (Boyer; col. 8, lines

7-24);

    iv.   _automatically_ creating a record indicating said identified service and

additional service provided to said specific entity qualify for reimbursement

under a single reimbursement contract (Boyer; col. 8, lines 7-24); and

     v.   calculating a reimbursement amount for said identified service and

additional service provided to said specific entity based on said single

reimbursement contract (Boyer; col. 8, lines 7-24).

R. As per claim 18, Boyer discloses a method according to claim 17, including

the step of preparing a bill including said reimbursement amount for said

identified service and additional service for communication to a payer (Boyer; col.

11, lines 19-34, Figure 6).

S. As per claim 19, Boyer discloses a method according to claim 17, wherein

said specific entity comprises a patient (Boyer; col. 8, lines 56-67).

T. As per claim 20, Boyer discloses a method according to claim 17, including

the steps of identifying and prioritizing at least one of, (a) reimbursement

contracts and (b) policies associated with reimbursement contracts, applicable

for reimbursing for said identified service and additional service and selecting

said single reimbursement contract from one of, (i) said prioritized reimbursement

contracts and (ii) said reimbursement contracts associated with said prioritized

policies (Boyer; col. 8, lines 7-24).

U. As per claim 21, Boyer discloses a method according to claim 17, including

the step of searching for other services also provided to said specific entity

(Boyer; col. 8, lines 56-67).

V. As per claim 22, Boyer discloses a method according to claim 17, including

the step of sorting said identified service and additional service by date service is

performed (Boyer; col. 11, lines 19-34, Figure 6).

W. Claim 23 has been amended to now recite a method for determining payment

for provision of multiple different services <u>to a patient</u> based on predetermined

reimbursement rules, comprising the steps of:

   i.   receiving a record identifying a service provided to a specific entity

(Boyer; col. 8, lines 9-12);

   ii.   <u>automatically</u> searching for a reimbursement record indicating at

least one other service provided to said specific entity (Boyer; col. 8, lines

56-67);

   iii.   <u>automatically</u> determining whether said identified service as well as

said at least one other service provided to said specific entity qualify for

reimbursement under a single reimbursement contract (Boyer; col. 8, lines

7-24);

   iv.   updating said reimbursement record to incorporate a record item

representing said identified provided service in response to determination

of said qualification (Boyer; col. 10, lines 53-57); and

   v.   calculating a reimbursement amount for said identified service and

one other service provided to said specific entity based on said single

reimbursement contract (Boyer; col. 10, lines 7-24).

X. As per claim 24, Boyer discloses a method according to claim 23, including

the step of preparing a bill including said reimbursement amount for said

identified service and one other service for communication to a payer (Boyer; col.

11, lines 19-34, Figure 6).

Y. As per claim 25, Boyer discloses a method according to claim 23, wherein

    i.   said reimbursement record indicates services provided to said

entity within a specific period and wherein said updating step comprises

(Boyer; col. 11, lines 19-34, Figure 6);

    ii.   updating said reimbursement record to incorporate said record item

representing said identified provided service in response to determination

said identified provided service was provided within said specific period

(Boyer; col. 10, lines 53-57, col. 11, lines 19-34).

Z. Claim 26 has been amended now to recite a method according to claim 23,

including the step of <u>automatically grouping said service provided to said specific</u>

<u>entity with said at least one other service provided to said specific entity based</u>

<u>on (a) data of service, (b) patient identifier</u> (Boyer; col. 11, lines 19-34, Figure 6).

AA.   As per claim 27, Boyer discloses a method according to claim 23,

including the step of determining said identified provided service as well as said

group of services qualify for reimbursement under at least one of (a) a single

reimbursement contract and (b) a common set of reimbursement contracts

(Boyer; col. 6, lines 48-55).

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not used prior art teach System and method for

optimizing medical diagnosis, procedures and claims using a structured search space

2001/0056356, System and method for building and manipulating a centralized

measurement value database 2002/0186818, Health care billing monitor system for

detecting health care provider fraud 6,826,536 B1, Method and system for providing

evaluation data from tracked, formatted administrative data of a service provider

6,915,266 B1, System and method for recording patient-history data about on-going

physician care procedures 5845253 A, Computer software for processing medical billing

record information 5933809 A, Health and welfare benefit enrollment and billing system

and method 6067522 A, Method and apparatus for accessing patient insurance

information 6112986 A, System and method for recording patient history data about on-

going physician care procedures 6154726 A, Provider claim editing and settlement

system 6341265 B1.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-

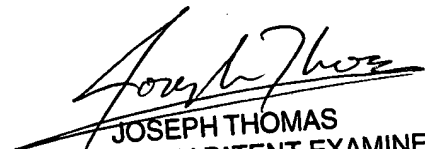272-8295. The examiner can normally be reached on 8-4:30.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3626
03/05/2007

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER